

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	2:01-CR-00332-LRH-PAL
Plaintiff,)	
)	<u>MINUTE ORDER</u>
vs.)	
)	April 25, 2010
DWAYNE T. DUNLAP,)	
)	
Defendant.)	
_____)	

PRESENT: THE HONORABLE LARRY R. HICKS, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: NONE APPEARING REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the Court is Defendant's motion to credit time served in state custody against his federal sentence (Doc. #311), and the Government's response (Doc. #312). Credit for time served against a federal sentence is governed by 18 U.S.C. § 3585(b). A district court lacks the authority to make an initial determination of time served, which must be made in the first instance by the Attorney General, acting through the Bureau of Prisons. *United States v. Wilson*, 503 U.S. 329, 334-35 (1992); *United States v. Peters*, 470 F.3d 907, 909 (9th Cir. 2006). Judicial review may be sought only after exhaustion of administrative remedies.

IT IS THEREFORE ORDERED that Defendant's motion to credit time served (Doc. #311) is DENIED.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk